

Joseph A. Grube, WSBA# 26476

joe@go-trial.com

Karen Orehoski, WSBA #35855

karen@go-trial.com

Grube Orehoski, PLLC

1200 Fifth Avenue

Seattle, WA 98101

Tel: 206.770.7606/ Fax: 206.770.7607

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
RICHLAND DIVISION

TIMOTHY MYLES.

NO.

Plaintiff,

COMPLAINT

V.

DEMAND FOR JURY TRIAL

BNSF RAILWAY COMPANY.

Defendant:

INTRODUCTION

1. BNSF Railway Company (“BNSF”) hired Tim Myles in February 2022 as a mechanical foreman. Myles was excited to learn the job and work with the employees he supervised. Then, Myles’s managers began treating Myles differently because he is Black. BNSF then disparately applied its workplace policies and terminated Myles in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”) and 42 U.S.C. § 1981 (“Section 1981”).

PARTIES

2. Myles resides in Tucson, Arizona and worked for BNSF in Pasco, Washington.

3. BNSF is a corporation that provides freight rail transportation across the United States, including Washington.

JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331.

5. This Court has personal jurisdiction over BNSF because BNSF operates in this district and because a substantial portion of BNSF'S acts and omissions giving rise to Myles's claims occurred in this district.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Myles worked for BNSF in this district, BNSF operates in this district, and the illegal conduct occurred in this district.

FACTUAL ALLEGATIONS

7. BNSF hired Myles in February 2022 as a first line supervisor in the mechanical division on the locomotive side.

8. Myles was one of the only Black supervisors in BNSF's entire Northwest Division.

9. Almost immediately after he was hired, Myles endured racially charged and harassing comments.

10. For example, an employee told Myles that Myles looked like Tyrone Biggums, a homeless addict character on the Chappell Show.

11. One of Myles's managers spread the rumor that Myles was a company spy and

1 was conspiring with management simply because the manager observed Myles chatting with a
 2 Black employee in HR.

3 12. The same manager claimed that Myles was stealing from the company because
 4 Myles wore “baggier” clothing.

5 13. Then, with only six months of training on the locomotive side, BNSF transferred
 6 Myles to the freight car side.

7 14. Myles’s new manager on the freight car side, Jag Griffin, was warned that Myles
 8 received special treatment because Myles is Black.

10 15. Griffin was also warned that Myles was an “undercover boss” who was
 11 conspiring with management and might also be stealing office or cleaning supplies.

12 16. BNSF discouraged Griffin from providing positive appraisals of Myles’s work.

13 17. BNSF pressured Griffin to put Myles on an unwarranted Performance Plan and
 14 find a reason to terminate Myles.

15 18. In February 2023, Myles’s son was seriously ill. Myles informed his supervisor
 16 that Myles’s son was sick and that he might need to leave suddenly to care for his child.

18 19. Myles’s son’s health then took a turn for the worse and Myles caught a flight to
 19 go care for him. Caring for his son necessitated Myles leaving his shift early. Myles therefore
 20 informed both the lead man on the shift and Myles’s relief foreman that he had to leave, but
 21 could be contacted on his cellphone.

22 20. In the past, white supervisors have left shifts early and faced no discipline.

23 21. Nevertheless, BNSF terminated Myles for leaving his shift early.

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CAUSES OF ACTION

COUNT I

DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981

22. Section 1981 prohibits employers from discriminating on the basis of race with respect to the “benefits, privileges, terms, and conditions” of employment. 42 U.S.C. § 1981.

23. BNSF discriminated against Myles because of his race when it terminated him.

24. Because BNSF violated 42 U.S.C. § 1981, Myles has suffered and will continue to suffer loss of income, emotional distress, and other damages. Myles is also entitled to attorney's fees and costs in connection with these claims.

25. BNSF committed the above-alleged acts with reckless or deliberate disregard for Myles's rights. As a result, Myles is entitled to punitive damages.

COUNT II

DISCRIMINATION IN VIOLATION OF TITLE VII, 42 U.S.C. § 2000e, et seq.

26. Title VII prohibits employers from “discharg[ing] any individual, or [] otherwise discriminat[ing] against any individual with respect to his compensation, terms, conditions, or privilege of employment, because of such individual’s race.” 42 U.S.C. § 2000e-2(a)(1).

27. BNSF discriminated against Myles because of his race when it terminated him.

28. Because BNSF violated 42 U.S.C. § 2000e, Myles has suffered and will continue to suffer loss of income, emotional distress, and other damages. Myles is also entitled to attorney's fees and costs in connection with these claims.

29. BNSF committed the above-alleged acts with reckless or deliberate disregard

for Myles's rights. As a result, Myles is entitled to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Myles prays for judgment against BNSF as follows:

30. That the practices of BNSF complained of herein be determined and adjudged to constitute violations of Section 1981 and Title VII;

31. For an injunction against BNSF and its directors, officers, owners, agents, successors, employees and representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;

32. For reinstatement to the same position he held when he was terminated;

33. For an award of damages arising from loss of past and future income, emotional distress, and other compensatory damages in an amount to be determined by the trier of fact:

34. For the maximum amount of punitive damages allowed by statute for each violation of Title VII and Section 1981;

35. For an award of pre-judgment interest, as provided by law:

36 For a tax offset:

37. For an award of Myles's costs (including litigation and expert costs), disbursements and attorneys' fees:

³⁸ For all relief available under 1981 and Title VII:

³⁹ For such other and further relief available by statute; and

40 For such other and further relief as the Court deems just and equitable.

1 DATED: October 16, 2024

2 GRUBE OREHOSKI, PLLC

3 By: /s/ Joseph A. Grube

4 **Joseph A. Grube, WSBA #26476**

5 /s/ Karen Orehoski

6 **Karen Orehoski, WSBA #35855**

7 1200 Fifth Avenue, Suite 1711

8 Seattle, WA 98101

9 Phone: (206) 770-7606

10 joe@go-trial.com

11 karen@go-trial.com

12 Attorneys for Plaintiff

13 **Nicholas D. Thompson**

14 nthompson@caseyjones.law

15 *Pro Hac Vice Forthcoming*

16 **Kathryn E. Averwater**

17 kaverwater@caseyjones.law

18 *Pro Hac Vice Forthcoming*

19 Casey Jones Law

20 323 N. Washington Ave., Suite 200

21 Minneapolis, MN 55401

22 (612) 293-5249

23 Attorneys for Plaintiff

24 **Plaintiff hereby demands trial by jury.**